

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Selvin Fernando Cruz Diaz, #155306,) C/A No. 4:24-3645-JFA-TER
Plaintiff,)
)
vs.) ORDER
)
Bob Maxwell, Dana Aiken,)
Defendants.)
_____)

This is an action filed by a pretrial detainee, now released. This case is before the Court due to Plaintiff's failure to comply with the magistrate judge's orders or to update his address. (ECF Nos. 6, 12). The action was filed on June 24, 2024; the first order was filed on June 28, 2024. Plaintiff was released on bond per public court records around June 18, 2024. Out of an abundance of caution after mail returned as undeliverable citing Plaintiff's release, on July 30, 2024, the court mailed a second order to a different address that Plaintiff had previously provided in anticipation of release. (ECF No. 12). That mail did not return as undeliverable.

The most recent mail in which the Order was sent to Plaintiff's provided address has not been returned to the court, thus it is presumed that Plaintiff received the Order, but has neglected to comply with the Order within the time permitted under the Order. The Court has not received a response from Plaintiff and the time for compliance has passed. A review of the record indicates that the magistrate judge specifically informed Plaintiff that if Plaintiff failed to comply with the Order, this case would be subject to dismissal.

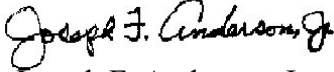
Plaintiff's lack of response to the Order indicates an intent to not prosecute this case, and subjects this case to dismissal. *See* Fed. R. Civ. P. 41(b)(district courts may dismiss an action if a Plaintiff fails to comply with an order of the court); *see also Ballard v. Carlson*, 882 F.2d 93, 95 (4th

Cir. 1989)(dismissal with prejudice appropriate where warning given); *Chandler Leasing Corp. v. Lopez*, 669 F.2d 919, 920 (4th Cir. 1982)(court may dismiss *sua sponte*).

Accordingly, this case is dismissed without prejudice. The Clerk of Court shall close the file.

IT IS SO ORDERED.

September 3, 2024
Columbia, South Carolina


Joseph F. Anderson, Jr.
United States District Judge